

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>CHARLES VAUGHAN, JR.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: CV-2010-453</b>
	)	
<b>BANK OF AMERICA,</b>	)	
<b>Defendant.</b>	)	

**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT OR IN THE  
ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT**

Defendant, Bank of America (“BOA”), respectfully requests this Court dismiss the Plaintiff’s, Charles Vaughan, Jr. (“Vaughan” or “Plaintiff”) Complaint in accordance with Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief can be grant, or in the alternative to order Plaintiff in accordance with Rule 12(e) to amend his Complaint to provide a more definite statement to which Defendant could properly respond. As stated more fully in the contemporaneously filed brief in support of this motion, the grounds for this motion are as follows:

1. Vaughan’s Complaint completely fails to allege any actions taken by BOA against Vaughan to which Vaughan would be entitled to relief from BOA.
2. Vaughan’ s Complaint alleges actions taken by the entire banking industry for the past few years, and not specifically by the Defendant against Plaintiff, and fails to state any connection between any actions of BOA and any alleged damages to Plaintiff.
3. Vaughan’s Complaint is so vague and ambiguous that Defendant cannot reasonably prepare a response.

4. Vaughan has failed to adhere to the technical standards for a pleading stated in Rule 10(b) by failing to have numbered paragraphs with single subjects.

WHEREFORE, Defendant Bank of America, requests this Court to dismiss Plaintiff's for failure to state a claim upon which relief can be grant, or in the alternative to order Plaintiff to amend his Complaint to provide a more definite statement to which Defendant could properly respond.

Respectfully submitted,

s/Kenneth S. Steely  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of September, 2010, I electronically filed the foregoing using the CM/ECF system and I have mailed same by United States Mail, postage paid to the following:

Charles Vaughan, Jr.  
27188 Mirage Lane  
Daphne, AL 36526

s/Kenneth S. Steely